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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,424

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Jeroen Adrianus Johannes Thijs

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BRIARCLIFF MANOR, NY 10510

EXAMINER

JAMA, ISAAK R

ART UNIT

PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,424	THIJS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ISAAK R. JAMA	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4,5,7 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,6,8-11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Status of Claims*

1. Claims 3, 6, 8-11 and 13-26 are pending.
2. Claims 6, 8-10, 18-20, 24 are amended.
3. Claim 25-26 are newly added.
4. Claims 1, 2, 4, 5, 7 and 12 are cancelled.

### *Response to Arguments*

5. Applicant's arguments with respect to claims 3, 6, 8-11 and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 09/29/2010 have been fully considered but they are not persuasive. Applicant argues that neither Lowell et al., nor Russell, nor the combination teach or fairly suggest a detector configured to activate the navigation unit in response to detecting an interaction between the emergency responder and the emergency response device. Indeed, Lowell teaches that that an emergency response person who hears the audio alarm or sees the visual alarm can then pick up the AED machine and remove it from its holder or mounting bracket (i.e. interacting with the AED machine) and attempt to find the victim [**Columns 5 & 6, lines 65-67 AND 1-2**], Lowell further teaches that a dedicated guidance unit (i.e. navigation system) as being part of the AED alarm and is connected to the AED machine, which, as part of the reception of the alarm signal from the locator broadcast initiator or the location processor unit, enters the location signals into the guidance unit as the desired location so that the guidance unit will immediately guide the emergency response person to the victim. And that a

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similar unit can be used at the emergency response service for emergency response person **[Column 8, lines 25-33]**. Applicant further argues that the routing of the emergency responder to the victim is based on the position information of the victim and position information of the emergency response device is not determined until an interaction between the emergency responder and the emergency response device is detected. The underlined portion of the argument is not found in the specification, and it is rejected above under 35 U.S.C. 112, 1<sup>st</sup> paragraph as being new matter. Applicant further argues that the present application addresses the problem that considerable power is consumed when the emergency response device communicates with a positioning system which shortens battery life of the remote emergency response device. Power remaining (battery life and energy for defibrillation) is saved by providing the routing and position information only when the information is needed by the emergency responder or when the emergency responder is present at the remote emergency response device. And that is respectfully submitted that neither Lowell et al., nor Russell, nor the combination address the problem addressed by the present application. The Examiner respectfully disagrees with Applicant's argument, in that the matter at issue (i.e. power-saving for the emergency response device) is not claimed, hence, Examiner is not obligated to respond to it. Therefore, the rejections under Lowell and Russell still stand.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 24-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 24-26 recite “.....wherein the routing of the emergency responder to the victim based on the position information of the victim and position information of the emergency response device is not determined until an interaction between the emergency responder and the emergency response device is detected”. There is no support for the underlined portion in the specification; furthermore, Applicant fails to point out where to find in the specification the underlined portion above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6-11, 13-14, 16-19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 6,493,581 (Russell).

7. Regarding claims 11, 14, 15 and 21-24, Lowell teaches an emergency response method, system and device for summoning an emergency responder and for routing said responder to a victim upon receipt of a trigger signal indicating position information of the victim **[Figure 1]**, said emergency response device comprising; a communication unit configured to receive the trigger signal and to activate a signaling unit upon receipt of the trigger signal **[Column 5, lines 5-15; i.e. Loop processor sends a signal to personal alarm and also sends a signal to the locator broadcast initiator which broadcasts an alarm signal to a location processor unit. The locator broadcast initiator may also, depending upon its broadcast power and the respective distances to AED machines and to an emergency response center, broadcast the alarm signal to the nearest AED machine alarms and to the emergency response center. The broadcast alarm signal would activate an AED machine alarm and an alarm at the emergency response center]**, a signaling unit configured to broadcast a message for summoning an emergency responder to the victim **[Column 5, lines 4-13; i.e. the locator broadcast initiator may also, depending upon its broadcast power and the respective distances to AED machines and to an emergency response center, broadcast the alarm signal to the nearest AED machine alarms and to the emergency response center]**, navigation unit configured to determine a routing of the emergency responder to the victim based on the position information of the victim and position information of the emergency response device **[Figure 1, # 38; column 7, lines 59-64; in addition, Lowell discloses that alarm signals preferably include additional location signals such as global positioning satellite signals (GPS**

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**signals) or other signals which pinpoint the location of the victim when response personnel are receiving the alarm at a response location distant from the victim or at the AED machine when the AED machine is located outside the immediate area of the victim],** and a user interface arranged to feed back the routing to the emergency responder **[Column 8, lines 5-12; i.e. When a destination is entered into the system, in this case the destination would be the location of the victim as indicated by the received location signals, the Alpine PowerNav system will display a map showing the route to the location and will provide audio instructions telling a person in the vehicle when to turn, in which direction to turn, and how far to go before turning to guide the person and vehicle to the desired location]**. In addition, Lowell teaches that an emergency response person who hears the audio alarm or sees the visual alarm can then pick up the AED machine and remove it from its holder or mounting bracket and attempt to find the victim **[Columns 5 & 6, lines 65-67 AND 1-2]**, and Lowell further teaches that a dedicated guidance unit as part of the AED alarm is connected to the AED machine, which, as part of the reception of the alarm signal from the locator broadcast initiator or the location processor unit, enters the location signals into the guidance unit as the desired location so that the guidance unit will immediately guide the emergency response person to the victim. And that a similar unit can be used at the emergency response service for emergency response person **[Column 8, lines 25-33]**. Furthermore, Lowell teaches that AED units are situated at various locations, particularly in and around public places such as airports, office and civic buildings, apartments or other high density residential buildings,

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and in places such as parks, as well as in private residential or non-public places (which is a list of actuable emergency response device locations). The AED units each have an AED alarm on or associated with the unit so that a victim's emergency condition activates the victim's personal alarm and the alarm at the AED location. This means that a response person, who can be any person who becomes aware of the alarm, will help both in finding the victim who needs immediate help and in finding an AED machine to use in providing the immediate help to the victim **[Column 3, lines 13-25]**. Lowell does not specifically teach that the central station include a look-up table of pre-stored position information of publicly available actuable emergency response devices. Russell teaches a system and method for rapid recruitment of widely distributed easily operated automatic external defibrillators **[Abstract]**, whereby after entry of the victim location, the computer system could automatically determine AEDs and/or potential operators in the vicinity of the victim. After determining locations of the AEDs and/or potential operators, the computer could generate output of the results. The output could be in one or more forms. The output could be in the form of a map that displays the location of the victim and locations of AEDs and/or potential operators. Additionally or alternatively, a list of locations of AEDs and/or potential operators could be output **[Column 5, lines 17-24]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Russell into the medical emergency response and locating system of Lowell in order to promptly locate emergency devices.



5. Regarding claims 3 and 10, Lowell teaches a system wherein the emergency response device comprises an automatic external defibrillator **[Figure 1, # 33, abstract]**.
6. Regarding claims 6 and 7, Lowell teaches a device wherein the communication means comprises a wireless telecommunication means or wired telecommunication means, said wired telecommunication means comprising at least one of a computer modem or a fixed line telephone unit **[Column 6, lines 55-63]**.
7. Regarding claim 8, Lowell teaches that the signaling means comprises a wireless communication unit configured to contact all wireless communication units located in the vicinity of the wireless communication unit **[Figure 1, i.e. communication interface signal is wirelessly communicating with the emergency response center]**.
8. Regarding claim 9, Lowell teaches that the signaling means comprises a loud speaker arranged for broadcasting a verbal message **[Column 7, lines 32-36]**.
9. Regarding claim 13, Lowell teaches that the emergency response device selected is an automated external defibrillator **[Column 5, lines 8-15]**.
10. Regarding claim 16, Lowell further teaches that user interface comprises a display configured to project the routing instructions and a map of the routing instructions **[Column 8, lines 8-14, i.e. An Alpine PowerNav system will display a map showing the route to the location and will provide audio instructions telling a person in the vehicle when to turn, in which direction to turn, and how far to go before turning to guide the person and vehicle to the desired location. Thus, with a victim location, the emergency response person can be guided to the victim]**.

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11. Regarding claim 17, Lowell further teaches that user interface comprises a display configured to project instructions to guide the emergency responder through steps of delivering a defibrillation shock **[Column 1, lines 48-52, i.e. AED machines are currently available that can be operated by untrained persons by merely reading simple instructions on the AED or listening to voice instructions generated by the AED during use].**

12. Regarding claim 18, Lowell teaches that navigation unit stores a floor plan of at least a portion of a building in which the emergency response device is located and the user interface displays at least a portion of the floor plan as part of the routing fed back to the emergency responder **[Figure 3, columns 10 & 11, lines 66-67 and 1-8].**

13. Regarding claim 19, Lowell further teaches that the detector comprises a movement detector configured to detect when the emergency response device is picked up by the emergency responder **[Column 5, lines 42-48; i.e. the user might inadvertently remove the heart dysfunction reader without deactivating the system first, or the heart dysfunction reader might be inadvertently knocked off or out of position during sleep or other activity of the user, which would result in the heart dysfunction reader reading a lack of sign or signal that the sensor would indicate as an alarm condition].**

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 6,493,581 (Russell) and further in view of U.S. Patent Number 6,459,371 (Pike).

3. Regarding claim 20, Lowell and Russell has been discussed above in regard to claim 4, above. But neither Lowell nor Russell specifically teach that the detector comprises a release clutch configured to detect when the emergency response device is removed from its dwell location by the emergency responder. Pike teaches a locating device that comprises a sensor for sensing a signal containing position locating information **[Abstract]**, whereby when the locating device is activated, a control device causes a radio transceiver to transmit an alarm signal **[Column 3, lines 10-12]**, and that the activating means may comprise a switch provided on the locating device, a remote switch having means for transmitting an activation signal to the locating device, means for sensing unauthorized removal of the locating device, means for sensing excessive movement, lack of movement and/or tilting of the locating device, means for sensing an activating signal transmitted to the locating device from a remote transmitter, either directly or via the radio transceiver **[Column 3, lines 30-38]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the sensor method of Pike into the combined system of Lowell and Russell in order to facilitate a rapid response from the emergency medical personnel.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on Monday-Thursday; 4-10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/LESTER KINCAID/  
Supervisory Patent Examiner, Art Unit 2617